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EXAMINER

HOSSAIN, FARZANA E

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/006,914	<b>Applicant(s)</b> JULIA ET AL.	
	<b>Examiner</b> FARZANA HOSSAIN	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-18,30-32,38-44,46,47 and 49-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18,30-32,38-44,46,47 and 49-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to communications filed 03/10/2009. Claims 1-14, 19-29, 33-37, 45 and 48 are cancelled. Claims 15-18, 30, 32, 38 and 46 are amended. Claims 31, 39-44 and 47 have been previously presented. Claims 49-81 are new.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 15-18, 30-32, 38-44, 46, 47, 49-81 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues the audio video events excluding EPG information.

In response to the arguments, the applicant did not make any specific arguments towards the Ellis or Handelman references for other limitations. See new rejections.

### ***Information Disclosure Statement***

3. The reference WO 00/013688 was considered. However, the examiner believes the reference is not related to the application and was provided error.

***Claim Objections***

4. Claims 15-18, 30-32, 38-44, 49-70 are objected to because of the following informalities: Claims 15, 30, 32 and 38 recite limitations similar to events which exclude EPG content. The examiner requests the section that the limitations are found as the examiner cannot find an explicit statement in the specification for these limitations. The applicant's specification discloses a game show host asking questions and the user responding to the questions (published application Page 2, paragraph 0021, Page 1, paragraph 0008). Although, this content is not EPG information but there is no explicit statement that the audio video event excludes EPG information. The applicant's specification discloses EPG information for selecting programs (published application, Page 1, paragraph 0009). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 15-18, 30- 32, 47, 49, 52, 53, 58, 61, 62, 65, 66, 69 and 70 are rejected under 35 U.S.C. 102(e) as being anticipated by Rautila et al (US 2005/0223409 and hereafter referred to as "Rautila").

Regarding Claim 15, Rautila discloses a method for interacting with a television (TV) system (Figure 2, A, B, C, D, E, F), the method comprising:

receiving a TV content from a source (Figure 1, 40, Pages 1-2, paragraphs 0015, 0017); the TV content being displayed on a display system (Pages 1-2, paragraphs 0015, 0017, Figure 1, 80, 84) and

enabling a user of a palmtop (Figure 1, 10, Page 1, paragraph 0014) that is connected over a network (Figure 1, 30, 20, Page 1, paragraph 0014) to interact with the TV content by responding to one or more events that are depicted with audio-video in the television and which are not part of any electronic programming guide (EPG) as the content relates to television programming such as products or voting (Page 2, paragraph 0023, Page 3, paragraph 0027),

the palmtop computer including a user interface that enables the user to interact with the content through manipulation of the user interface as the display of the terminal allows user manipulation (Figure 1, 10, Page 1, paragraph 0014, Page 2, paragraph 0023);

transmitting, from over the network (Page 1, paragraph 0014, Figure 1, 30, 20), an input from the palmtop computer (Figure 2, D) corresponding to the user responding to the one or more audio-video events (Figure 2, A, B) to a source associated with the

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television content, so as to enable the input to be interactive with the television content (Figure 2, D, Page 2, paragraph 0023).

Regarding Claim 16, Rautila discloses all the limitations of Claim 15. Rautila discloses the display system includes a display combined with a separate or integrated set top box (STB) (Figure 1, 80, 84).

Regarding Claim 17, Rautila discloses all the limitations of Claim 15. Rautila discloses wherein receiving the TV content includes receiving the TV content as part of a broadcast (Pages 1-2, paragraphs 0015, 0017).

Regarding Claim 18, Rautila discloses all the limitations of Claim 17. Rautila discloses receiving the TV content includes receiving the TV content (Pages 1-2, paragraphs 0015, 0017).

Regarding 30, Rautila discloses a method for interacting with a display device (Figure 2, A, B, C, D, E, F, Figure 1, 80, 84, Figure 2, 80), the method comprising:

Receiving a signal that carries a TV program (Pages 1-2, paragraphs 0015, 0017);

Rendering audio and video content, other than EPG content as the content relates to television programming such as products or voting (Page 2, paragraph 0023, Page 3, paragraph 0027), as part of the TV program from the signal on the display device (Pages 1-2, paragraphs 0015, 0017, Figure 2, A);

Enabling a user to manipulate a palmtop computer (Figure 1, 10, Page 1, paragraph 0014) to respond to one or more events that are depicted as actions or events in the audio and video content of the TV program (Figure 2, B, D, Page 2, paragraph 0023);

Wherein enabling the user includes using the palmtop computer to signal an input corresponding to the user's manipulation over a network to a destination or the IS that is associated with the TV program (Figure 2, B, D, Page 2, paragraph 0023).

Regarding Claim 31, Rautila discloses all the limitations of Claim 30. Rautila discloses receiving an interactive signal is an interactive television signal that is communicated through a broadcast, digital cable connection or the Internet (Figure 1, Broadcast, cable).

Regarding Claim 32, Rautila discloses a method for interacting with a display device (Figure 2, A, B, C, D, E, F, Figure 1, 80, 84, Figure 2, 80), the method comprising:

Processing a multimedia signal (Page 1, paragraph 0020) in order to display an audio-video content from the multimedia signal on the display device (Pages 1-2, paragraphs 0015, 0017, Figure 1, 80, 84);

Enabling a user on a palmtop computer to respond to one or more audio-video events in at least a portion of the audio video content (Figure 2, B, D, Page 2, paragraph 0023) that excludes EPG content as the content relates to television

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programming such as products or voting (Pages 1-2, paragraphs 0015, 0017, 0023, Page 3, paragraph 0027),

wherein enabling the user to respond includes receiving input from over a network corresponding to the user manipulating the palmtop computer that is in wireless communication with the network (Figure 1, 30, 20, Page 1, paragraph 0014) as the user registers for content and is allowed to vote for a program or buy products (Page 2, paragraphs 0021, 0023, Page 3, paragraph 0027); and

Enabling the input from the user to be communicated over the network to one or more participants as the results are displayed to participants and viewers (Page 2, paragraph 0023, Figure 1, E, F) who are (i) also viewing the audio-video content by separately processing a different multimedia signal (Page 1, paragraph 0014, Page 2, paragraph 0020), and (ii) interacting with the same audio-video events of the audio-video content (Page 2, paragraph 0023).

Regarding Claim 47, Rautila discloses all the limitations of Claim 30. Rautila discloses communicating the input as entered in response to the one or more events to one or more locations where multimedia signal corresponding to the content is received or created (Page 2, paragraph 0023, D, E, F).

Regarding Claim 49, Rautila discloses all the limitations of Claim 15. Rautila discloses the one or more events are depicted as non textual including the displaying of a product which interests the viewer (Pages 2-3, paragraph 0024).



Regarding Claim 52, Rautila discloses all the limitations of Claim 15. Rautila discloses combining the input from the user with other inputs from other users who communicate their respective input over the network (Page 2, paragraph 0023).

Regarding Claim 53, Rautila discloses all the limitations of Claim 15. Rautila discloses the TV content corresponds to a program, wherein the input from the user is subsequently received and incorporated into the program (Page 2, paragraph 0023, Figure 2, F).

Regarding Claim 58, Rautila discloses all the limitations of Claim 30. Rautila discloses the one or more events are depicted as non textual including the displaying of a product which interests the viewer (Pages 2-3, paragraph 0024).

Regarding Claim 61, Rautila discloses all the limitations of Claim 30. Rautila discloses combining the input from the user with other inputs from other users who communicate their respective input over the network (Page 2, paragraph 0023).

Regarding Claim 62, Rautila discloses all the limitations of Claim 30. Rautila discloses the TV content corresponds to a program, wherein the input from the user is subsequently received and incorporated into the program (Page 2, paragraph 0023, Figure 2, F).

Regarding Claim 65, Rautila discloses all the limitations of Claim 30. Rautila discloses enabling the user to manipulate the palmtop computer to respond to the one or more events includes enabling the user to initiate a purchase in a response to the one or more events (Page 3, paragraph 0027).

Regarding Claim 66, Rautila discloses all the limitations of Claim 32. Rautila discloses the one or more events are depicted as non textual including the displaying of a product which interests the viewer (Pages 2-3, paragraph 0024).

Regarding Claim 69, Rautila discloses all the limitations of Claim 32. Rautila discloses combining the input from the user with other inputs from other users who communicate their respective input over the network (Page 2, paragraph 0023).

Regarding Claim 70, Rautila discloses all the limitations of Claim 32. Rautila discloses the TV content corresponds to a program, wherein the input from the user is subsequently received and incorporated into the program (Page 2, paragraph 0023, Figure 2, F).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 38-41, 43, 44, 71 and 74-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Ellis et al (US 2005/0028208 and hereafter referred to as "Ellis") and Handelsman et al (US 6,312,336 and hereafter referred to as "Handelman").

Regarding 38, Rautila discloses a system for providing broadcast content to a user (Figure 1), the system comprising:

A palmtop computer (Figure 1, 10, Page 1, paragraph 0014) including a graphic user interface as the terminal has a display screen (Page 2, paragraph 0023, Figure 1, 10, Figure 2, 10)

the palmtop computer being wirelessly coupled to a network (Page 1, paragraph 0014).

The palmtop inherently includes an operating system as the operating system makes the computer functional to perform all necessary functions of displaying associated data and allowing interaction by the user (Page 2, paragraph 0023).

Rautila discloses a receiver system is configured to (i) receive a broadcast of audio and video content (Pages 1-2, paragraphs 0015, 0017, Figure 1, 80, 84);

wherein the broadcast is communicated to a plurality of receiving systems at the same time (Page 1, paragraph 0014), including to the receiving system of the user and to other receiving systems of other users as (Page 1, paragraph 0014, Figure 1); and

wherein the palmtop computer is configured to enable the user to enter one or more inputs in response to occurrence of one or more audio-video events in at least a portion of the broadcast (Page 2, paragraphs 0021, 0023, Page 3, paragraph 0027) that excludes content corresponding to an EPG as the content relates to television programming such as products or voting (Pages 1-2, paragraphs 0015, 0017, 0023, Page 3, paragraph 0027),

wherein the receiver system is configured to receive the one or more inputs from the palmtop computer (Page 2, paragraph 0023) and

one or more inputs to be communicated over the network to the users of the other receiving systems who are also receiving the broadcast and responding to the occurrence of the one or more audio-video events (Page 2, paragraph 0023, Figure 1, E, F).

Rautila is silent on a receiver system coupled to the network; the receiver system to communicate at least a portion of the broadcast to the palmtop computer using network and to enable the one or more inputs to be communicated over the network to the users of the other receiving system who are also receiving the broadcast and responding to the occurrence of the one or more audio-video events.

In analogous art, Ellis discloses the palmtop computer (Page 7, paragraph 0092, Figure 5, 24) is connected wirelessly to a wide area network (Page 7, paragraph 00093, 0094); the palmtop computer includes an operating system (Pages 7-8, paragraphs 0096); each palmtop computer is configured to communicate with a corresponding one of the plurality of receiver systems over the network (Figure 2a, 19, Page 7, paragraph 0094); wherein the receiver system is configured to (i) receive broadcasts of TV programs that each contain audio and video content (Page 4, paragraphs 0068-0069, Page 12, paragraph 0133) and (ii) communicating at least a portion of the broadcast to the corresponding one of palmtop computer using the network (Figure 2a, 19, Page 12, paragraphs 0133, 0135, Page 2, paragraph 0015).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rautala each palmtop computer is configured to communicate with a corresponding one of the plurality of receiver systems over the network (Figure 2a, 19, Page 7, paragraph 0094) and wherein the receiver system communicating at least a portion of the broadcast to the corresponding one of palmtop computer using the network (Figure 2a, 19, Page 12, paragraphs 0133, 0135, Page 2, paragraph 0015) as taught by Ellis in order to enable handheld device such as palmtops to interact with devices to connect with devices at home to perform other functions (Page 1, paragraphs 0016, 0017) as disclosed by Ellis.

Ellis is silent on the receiver system to enable the one or more inputs to be communicated over the network to the users of the other receiving system who are also receiving the broadcast and responding to the occurrence of the one or more audio-video events.

In analogous art, Handelman discloses receiver system is configured to enable the one or more inputs to be communicated over the network to the users of the other receiving system who are also receiving the broadcast and responding to the occurrence of the one or more audio-video events (Column 14, lines 15-26, Column 8, lines 50-60, Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include inputs are from other receiver systems (Column 14, lines 15-26, Column 8, lines 50-60, Figure 1) as taught by Handelman in order to provide a way to incorporate all gaming guides to

make it easier for users to pick games to play and to invite players (Column 1, lines 4-6, Figures 2A, 2D) as disclosed by Handelman.

Regarding Claim 39, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila discloses a display device displaying content from the broadcast (Figure 1, 80, Page 1, paragraph 0014).

Regarding Claim 40, Rautila, Ellis and Handelman disclose all the limitations of Claim 39. Ellis discloses that the palmtop computer is operable to enable a user to communicate a command for the display device or the receiver system (Figure 2a, 19, Page 5, paragraph 0071).

Regarding Claim 41, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila discloses receiving system includes a console or a set top box (Figure 1, 84).

Regarding Claim 43, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila discloses the broadcast is provided by a television signal and wherein the receiver system is configured to receive and use the television signal (Figure 1, 80, 84, Figure 2, Pages 1-2, paragraphs 0015, 0017).

Regarding Claim 44, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila disclose the television signal is interactive (Pages 1-2, paragraphs 0021, 0023).

Regarding Claim 71, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila discloses the one or more events are depicted as non textual

including the displaying of a product which interests the viewer (Pages 2-3, paragraph 0024).

Regarding Claim 74, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila discloses combining the input from the user of a palmtop computer (Figure 1, 10) with other inputs from other users who communicate their respective input over the network (Page 2, paragraph 0023).

Regarding Claim 75, Rautila, Ellis and Handelman disclose all the limitations of Claim 74. Rautila discloses the TV content corresponds to a program, wherein the input from the user is subsequently received and incorporated into the program (Page 2, paragraph 0023, Figure 2, F).

Regarding Claim 76, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila discloses the receiving system is part of an audience of the broadcast as the user of the receiver system is watching the program and therefore the user's system's is part of an audience (Figure 1, 80, 84, Page 2, paragraph 0023).

Regarding Claim 77, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila discloses the one or more events are depicted as non textual including the displaying of a product which interests the viewer (Pages 2-3, paragraph 0024).

8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Ellis and Handelman as applied to Claim 38 and further in view of Herigstad et al (US 2002/0100063 and hereafter referred to as "Herigstad")

Regarding Claim 42, Rautila, Ellis and Handelman discloses all the limitations of Claim 38. Rautila, Ellis and Handelman are silent on a Wireless Fidelity network. In analogous art, Herigstad discloses that the palmtop computer is coupled to a Wireless Fidelity network (Page 3, paragraph 0039). Therefore, it would have been obvious at the time the invention was made to modify Ellis to include palmtop computer is coupled to a Wireless Fidelity network (Page 3, paragraph 0039) as taught by Herigstad in order to provide more ways to connect the receiver and the mobile device so as to expand the TV viewing experience.

9. Claims 46, 80 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Ellis.

Regarding 46, Rautila discloses a system for providing broadcast content to multiple users (Figure 1, Page 1, paragraph 0014), the system comprising:

A plurality of palmtop computers (Figure 1, 10 for communicating with a plurality of receiver systems (Figure 1, 80, 84),

Wherein each palmtop computer (Figure 1, 10, Page 1, paragraph 0014) including a graphic user interface as the terminal has a display screen (Page 2, paragraph 0023, Figure 1, 10, Figure 2, 10),

the palmtop computer being wirelessly connected to a wide area network (Page 1, paragraph 0014, Figure 1, 30, 20).



The palmtop inherently includes an operating system as the operating system makes the computer functional to perform all necessary functions of displaying associated data and allowing interaction by the user (Page 2, paragraph 0023).

Rautila discloses each receiver system is configured to receive the broadcast containing audio and video content (Pages 1-2, paragraphs 0015, 0017, Figure 1, 80, 84) independent of other receiving systems (Pages 1-2, paragraphs 0015, 0017, 0023);

wherein each palmtop computer is configured to enable the user to enter one or more inputs in response to occurrence of (1) one or more non-textual audio-video events in at least a portion in the broadcast such a product that the viewer is interested in that was advertised while viewing the program (Pages 2-3, paragraphs 0021, 0023, 0024) and (ii) one or more inputs from any of the other palmtop computers in the plurality of palmtop computers communicating with to be communicated over the network to the users of the other receiving systems who are also receiving the broadcast and responding to the occurrence of the one or more audio-video events as the other receiving systems must register based on the occurrence of an audio video event and the registrations allows a user to comment on the audio video content and every other palmtop computer can respond based on that comment (Page 2, paragraph 0021, Page 3, paragraph 0032).

Rautila is silent on each palmtop computer is configured to communicate with a corresponding one of the plurality of receiver systems over the network and each receiver system communicating at least a portion of the broadcast to the corresponding one of palmtop computer using the network.

In analogous art, Ellis discloses the palmtop computer (Page 7, paragraph 0092, Figure 5, 24) is connected wirelessly to a wide area network (Page 7, paragraph 00093, 0094); the palmtop computer includes an operating system (Pages 7-8, paragraphs 0096); each palmtop computer is configured to communicate with a corresponding one of the plurality of receiver systems over the network (Figure 2a, 19, Page 7, paragraph 0094); wherein the receiver system is configured to receive (i) receive broadcasts of TV programs that each contain audio and video content (Page 4, paragraphs 0068-0069, Page 12, paragraph 0133) and (ii) communicating at least a portion of the broadcast to the corresponding one of palmtop computer using the network (Figure 2a, 19, Page 12, paragraphs 0133, 0135, Page 2, paragraph 0015).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rautila each palmtop computer is configured to communicate with a corresponding one of the plurality of receiver systems over the network (Figure 2a, 19, Page 7, paragraph 0094) and wherein the receiver system communicating at least a portion of the broadcast to the corresponding one of palmtop computer using the network (Figure 2a, 19, Page 12, paragraphs 0133, 0135, Page 2, paragraph 0015) as taught by Ellis in order to enable handheld device such as palmtops to interact with devices to connect with devices at home to perform other functions (Page 1, paragraphs 0016, 0017) as disclosed by Ellis.

Regarding Claim 80, Rautila and Ellis disclose all the limitations of Claim 46. Rautila discloses combining the input from the user of a palmtop computer (Figure 1,

10) with other inputs from other users who communicate their respective input over the network (Page 2, paragraph 0023).

Regarding Claim 81, Rautila and Ellis disclose all the limitations of Claim 46. Rautila discloses the TV content corresponds to a program, wherein the input from the user is subsequently received and incorporated into the program (Page 2, paragraph 0023, Figure 2, F).

10. Claims 50, 51, 54-57, 59, 60, 63, 64 and 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Von Kohorn (US 5,034,807 and hereafter referred to as "Von").

Regarding Claim 50, Rautila discloses all the limitations of Claim 15. Rautila is silent on the one or more events to a figure communicating a question, and wherein the input from the user corresponds to a reply to the question. Von discloses that the one or more events to a figure communicating a question (Column 24, lines 38-65, Column 12, lines 55-64), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include the one or more events to a figure communicating a question (Column 24, lines 38-65), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home

audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 51, Rautila and Von disclose all the limitations of Claim 50. Von discloses the figure communicating a question is a person participating in a game show (Column 24, lines 19-29, 55-65, Column 22, lines 51-67).

Regarding Claim 54, Rautila discloses all the limitations of Claim 15. Rautila discloses wherein enabling the user of the palmtop computer to interact includes enabling the user to respond (Page 2, paragraph 0023). Rautila is silent on receiving the television content includes receiving a television program that includes one or more audio video events that depict a person asking questions, wherein enabling the user interaction includes enabling the user to respond to the person asking questions. Von discloses that the receiving the television content includes receiving a television program that includes one or more audio video events that depict a person asking questions (Column 24, lines 38-65), and wherein enabling the user interaction includes enabling the user to respond to the person asking questions (Column 24, lines 19-29, 55-65, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include receiving the television content includes receiving a television program that includes one or more audio video events that depict a person asking questions (Column 24, lines 38-65), and wherein enabling the user interaction includes enabling the user to respond to the person asking questions (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home

audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 55, Rautila and Von disclose all the limitations of Claim 54. Von discloses enabling the user to respond to the person asking questions (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) includes enabling the user to respond to the source associated with the television content (Figure 1, 14, Column 45, lines 16-35)

Regarding Claim 56, Rautila discloses all the limitations of Claim 15. Rautila is silent on the source corresponds to a television studio. Von discloses the source corresponds to a television studio (Figure 1, 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include the source corresponds to a television studio (Figure 1, 14) as taught by Von in order to provide a manner of determining answers from a home audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 57, Rautila discloses all the limitations of Claim 15. Rautila discloses wherein enabling the user of the palmtop computer to interact includes enabling the user to respond (Page 2, paragraph 0023). Rautila is silent on wherein receiving the television content includes receiving a television game show program, and wherein enabling the user interaction includes enabling the user to participate in the television game show with one or more other persons that are remote to the user. Von discloses that the receiving the television content includes receiving a television game show program (Column 24, lines 38-65), and wherein enabling the user interaction

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includes enabling the user to participate in the television game show with one or more other persons that are remote to the user (Column 24, lines 19-29, 55-65, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include the receiving the television content includes receiving a television game show program (Column 24, lines 38-65), and wherein enabling the user interaction includes enabling the user to participate in the television game show with one or more other persons that are remote to the user (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 59, Rautila discloses all the limitations of Claim 30. Rautila is silent on the one or more events to a figure communicating a question, and wherein the input from the user corresponds to a reply to the question. Von discloses that the one or more events to a figure communicating a question (Column 24, lines 38-65, Column 12, lines 55-64), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include the one or more events to a figure communicating a question (Column 24, lines 38-65), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home

audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 60, Rautila and Von disclose all the limitations of Claim 59. Von discloses the figure communicating a question is a person participating in a game show (Column 24, lines 19-29, 55-65, Column 22, lines 51-67).

Regarding Claim 63, Rautila and Von disclose all the limitations of Claim 30. Rautila is silent on the television studio. Von discloses the destination corresponds to a television studio for the television program (Figure 1, 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include the destination corresponds to a television studio for the television program (Figure 1, 14) as taught by Von in order to provide a manner of determining answers from a home audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 64, Rautila discloses all the limitations of Claim 30. Rautila discloses enabling the user to manipulate the palmtop computer to respond to the one or more events (Page 2, paragraph 0023). Rautila is silent on wherein enabling the user to respond to one or more events includes enabling the user to respond to a person that is depicted by the audio and video content. Rautila is silent on the one or more events to a figure communicating a question, and wherein the input from the user corresponds to a reply to the question. Von discloses enabling the user to respond to one or more events includes enabling the user to respond to a person that is depicted

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by the audio and video content (Column 24, lines 19-29, 38-65, Column 12, lines 55-64, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include enabling the user to respond to one or more events includes enabling the user to respond to a person that is depicted by the audio and video content (Column 24, lines 19-29, 38-65, Column 12, lines 55-64, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 67, Rautila discloses all the limitations of Claim 32. Rautila is silent on the one or more events to a figure communicating a question, and wherein the input from the user corresponds to a reply to the question. Von discloses that the one or more events to a figure communicating a question (Column 24, lines 38-65, Column 12, lines 55-64), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to include the one or more events to a figure communicating a question (Column 24, lines 38-65), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.



Regarding Claim 68, Rautila and Von disclose all the limitations of Claim 67.

Von discloses the figure communicating a question is a person participating in a game show (Column 24, lines 19-29, 55-65, Column 22, lines 51-67).

11. Claims 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Ellis and Handelman, as applied to Claim 38, further in view of Von.

Regarding Claim 72, Rautila, Ellis and Handelman disclose all the limitations of Claim 38. Rautila, Ellis and Handelman are silent on the one or more events to a figure communicating a question, and wherein the input from the user corresponds to a reply to the question. Von discloses that the one or more events to a figure communicating a question (Column 24, lines 38-65, Column 12, lines 55-64), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the one or more events to a figure communicating a question (Column 24, lines 38-65), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 73, Rautila, Ellis, Handelman and Von disclose all the limitations of Claim 72. Von discloses the figure communicating a question is a person participating in a game show (Column 24, lines 19-29, 55-65, Column 22, lines 51-67).

12. Claims 78 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Ellis, as applied to Claim 46, further in view of Von.

Regarding Claim 78, Rautila and Ellis disclose all the limitations of Claim 46. Rautila and Ellis are silent on the one or more events to a figure communicating a question, and wherein the input from the user corresponds to a reply to the question. Von discloses that the one or more events to a figure communicating a question (Column 24, lines 38-65, Column 12, lines 55-64), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the one or more events to a figure communicating a question (Column 24, lines 38-65), and wherein the input from the user corresponds to a reply to the question (Column 24, lines 19-29, 55-65, Column 22, lines 51-67) as taught by Von in order to provide a manner of determining answers from a home audience so as to provide gain more home viewers because there is a way for home viewers to actively participate (Column 1, lines 30-49) as disclosed by Von.

Regarding Claim 79, Rautila, Ellis, and Von disclose all the limitations of Claim 78. Von discloses the figure communicating a question is a person participating in a game show (Column 24, lines 19-29, 55-65, Column 22, lines 51-67).

### ***Double Patenting***

13. Applicant is advised that should claim 71 be found allowable, claim 77 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday-Friday 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joseph G Ustaris/

Primary Examiner, Art Unit 2424